



UNITED STATES PATENT AND TRADEMARK OFFICE

W
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,671	12/13/2005	Keith A. Hoffman	20152/06044195	4339
34431	7590	11/23/2007	EXAMINER	
HANLEY, FLIGHT & ZIMMERMAN, LLC			WILKENS, JANET MARIE	
150 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
SUITE 2100			3637	
CHICAGO, IL 60606				
MAIL DATE		DELIVERY MODE		
11/23/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

)

Office Action Summary	Application No.	Applicant(s)	
	10/536,671	HOFFMAN, KEITH A.	
	Examiner	Art Unit	
	Janet M. Wilkens	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 September 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-13,15 and 65-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-13,15 and 65-71 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

The substitute specification submitted September 7, 2007 has been approved by the examiner.

Drawings

The replacement drawing submitted September 7, 2007 has been approved by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-13, 15, and 65-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 1 and 65, it is unclear whether or not the drawer is to be claimed in combination with the interlock. For example, in the preamble of claim 1, only the interlock is claimed ("interlock for a drawer"); however, in the body of the claim, the interlock is positively claimed in combination with the drawer (e.g. "wherein said engagement member (of the interlock) further comprises a projection that communicates with a slot that moves with said drawer"). For examination purposes, the combination will be considered the claimed subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Budde (German reference 44 16 768). Budde teaches an interlock system having drawers (10-12) with interlocks (Fig. 1) comprising: an elongated flexible member (19) with a cable guide (lower anchoring member shown in Fig. 1); rotatable levers (24) adapted to switch the amount of slack in the flexible member between a low and high slack condition by rotating between a first and second position, respectively, and engagement members (31) attached to the respective drawer and positioned to cause the respective lever to rotate toward the first position when the drawer is initially moved from the closed position. Wherein the engagement member comprises a projection (31) that communicates with a slot (30) that moves with said drawer (i.e. when the drawer with the projection moves, the lever with the slot 30 moves/rotates via engagement of the projection within the slot). The lever would inherently be adapted to translate a first force (via linear movement of the drawer) exerted on the drawer in the first direction into a second force (via rotational movement of the lever) on the flexible member which is less than the first force (the linear movement of the drawer would inherently be greater than the rotational movement of the lever.). Furthermore, the cable is in communication with a lock (14) and the lever is capable of being mounted on the

stationary part of a drawer slide member (no drawer slide member being positively claimed).

Claims 1, 4-6, 8-13, 15, 65, 67, 70 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell (5,176,436). Mitchell teaches an interlock system having drawers (12) with interlocks (Fig. 1) comprising: an elongated flexible member (34); rotatable levers/cam members (30) with projections (27) adapted to switch the amount of slack in the flexible member between a low and high slack condition by rotating between a first and second position, respectively; actuating members (26) engageable with the flexible member; and engagement members (32) attached to the respective drawer and positioned to cause the respective lever to rotate toward the first position when the drawer is initially moved from the closed position. Wherein the projection communicates with slot (33) that moves with said drawer (i.e. when the drawer moves, the cam 30 moves via 32,31 which then moves the actuating member 26 with the slot 30 via 27). The lever would inherently be adapted to translate a first force (via linear movement of the drawer) exerted on the drawer in the first direction into a second force (via rotational movement of the lever) on the flexible member which is less than the first force (the linear movement force of the drawer would inherently be greater than the rotational movement force of the lever) and the actuating member is inherently capable of moving faster with respect to the elongated flexible member than the driving surface of the cam member moves when the drawer is initially being moved toward an open position. (Note: since Mitchell teaches all of the limitations of claim 65, this movement feature inherently would be provided for. There being no feature or structure orientation

stated and/or claimed that specifically provides this function.) Furthermore, the cable is in communication with a lock (50) and the lever is capable of being mounted on the stationary part of a drawer slide member (no drawer slide member being positively claimed).

Allowable Subject Matter

Claims 2, 7, 66, 68 and 69 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed September 9, 2007 have been fully considered but they are not persuasive. Although the addition of the projection/slot limitation to claims 1 and 65 helps overcome the double patenting rejection of the previous Office action, 112 second paragraph rejections still exist as well as new 102 art rejections. Namely, with respect to the art rejections, because the biasing member has been taken out of claim 1 and replaced with the projection/slot limitation, the references of Budde and Mitchell' 436 can be applied as stated above. With respect to claim 65, because of the broadness of the last stated limitation, the reference of Mitchell, which teaches all of the claimed limitations, inherently would meet the requirements of this limitation as best understood/defined in the claim.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkens
November 20, 2007

J.M.Will
JANET M. WILKENS
PRIMARY EXAMINER
ANT3637